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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,865

10/24/2003

Pratyush V. Moghe

6724

7590

06/14/2006

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STOW, MA 01775

EXAMINER

HARPER, LEON JONATHAN

ART UNIT

PAPER NUMBER

2166

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/691,865	Applicant(s) MOGHE, PRATYUSH V.	
	Examiner Leon J. Harper	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to application 10691865 filed on 10/25/2002.

Claims 1-20 are pending.

Claim Objections

Claim 14 is objected to because of the following informalities: "creating a local database of storing information". Examiner recommends and will assume for the purposes of this examination that the claim was meant to read "creating a local database for storing information. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claim 11, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Examiner will assume for the purposes of this office action that the phrase "such as" is defined like an or statement.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2166

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5991709 (hereinafter Schoen) in view of US 20040059736 (hereinafter Will).

As for claim 1: Schoen discloses: defining critical information (See column 4 lines 50-54). Generating a policy containing critical information definition (See column 4 line 51 note: the rules are policy). Distributing this critical information policy to each computer that has critical information (See column 5 lines 53-55, 66-67 note: each subsystem can be a separate computer and in that case the rules are distributed). Assessing the criticality of information based on the criticality definition in step c above (See column 5 lines 45-51).

While Schoen does not differ substantially from the claimed invention the disclosure of generating the inventory of information on each computer, generating a report of the assessment results, collection of assessment results from all computers, generating a report of assessment results is not necessarily explicit. Will however does disclose: generating the inventory of information on each computer (See table 1), generating a report of the assessment results (See paragraph 0064), collection of assessment results from all computers, generating a report of assessment results (See paragraph 0066 subroutine processing is other computer processing as well). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated, the teachings of Will into the system of Schoen. The modification would have been obvious because specialized systems require customized document extraction, and a general method of defining critical information is both practical and not very time consuming in terms of development (See Will paragraph 0004).

As for claim 2, the rejection of claim 1 is incorporated, and further Will discloses: where the critical information is defined by signatures (See paragraph 0039).

As for claim 3, the rejection of claim 2 is incorporated, and further Will discloses: where signatures include tag signatures and content signatures (See paragraph 0039).

As for claim 4, the rejection of claim 3 is incorporated, and further Will discloses: where tag signatures include markers on the data files such as file type, password protection, encryption (See will paragraph 0039 note C).

As for claim 5, the rejection of claim 3 is incorporated, and further Will discloses: where content signatures include strings within an information document and include generic signatures as well as functional signatures (See will paragraph 0039 note E "predefined strings").

As for claim 6, the rejection of claim 5 is incorporated, and further Will discloses: where generic content signatures apply across the organization and functional content signatures apply to specific functional groupings (See Will paragraph 0039 note g as functional and F as organizational).

As for claim 7, the rejection of claim 1 is incorporated, and further Will discloses: where information inventory includes collecting information about the computing device, attributes of the computing device, a list of data files on the computing device, and attributes on the data file (See paragraphs 0064, 0065, 0066 and note that a matrix will be done for each computer).

As for claim 8, the rejection of claim 7 is incorporated, and further Will discloses: where attributes on the data file include size, creation time, usage time, encryption information, password information (See will paragraph 0039 note C).

As for claim 9, the rejection of claim 1 is incorporated, and further Will discloses where the critical information may be identified by color coding the criticality level (See paragraph 0139).

As for claim 10, the rejection of claim 1 is incorporated, and further Will discloses: where assessment of critical information is done by identifying signature match between signature book generated by definition of critical information and the signature of information documents on the computing device being assessed (See paragraph 0039 note: B).

As for claim 11, the rejection of claim 10 is incorporated, and further Will discloses: where the signature comparison could be accomplished by methods such as pattern matching, neural networks, weighted matches (See paragraph 0069).

As for claim 12, the rejection of claim 10 is incorporated, and further Will discloses: where signature matching could be accomplished using existing applications resident on the computing device (See paragraph 0040).

As for claim 13, the rejection of claim 12 is incorporated, and further Will discloses: where an instance of an existing application is the indexing service popularly available on Microsoft windows operating system devices (See paragraph 0040 note the windows products are all generic application components).

As for claim 14, the rejection of claim 1 is incorporated, and further Will discloses: where generation of assessment reports include creating a local database for storing information about each document assessed (See paragraph 0052).

As for claim 15, the rejection of claim 14 is incorporated, and further Will discloses: where the assessment report includes average criticality and distribution of critical information (See paragraph 0058).

As for claim 16, the rejection of claim 1 is incorporated, and further Will discloses: where results from assessment of computing devices can be collected and correlated to generate aggregated criticality reports (See paragraph 0043).

Claim 17 is an apparatus claim corresponding to method claim 1, and is thus rejected for the same reasoning as set forth in the rejection of claim 1.

As for claim 18, the rejection of claim 17 is incorporated, and further Will discloses: where the centralized software and distributed software communicate messages over a network (See paragraph 0043).

As for claim 19, the rejection of claim 18 is incorporated, and further Will discloses: where the network could be an Ethernet, wireless, or dialup network and the messages may be encrypted (See paragraph 0043).

As for claim 20, the rejection of claim 17 is incorporated, and further Will discloses: where the criticality definition can be sent to the distributed software on a on-demand or periodic basis and where the results of assessment can be sent to the centralized manager on an on-demand or periodic basis (See paragraph 0043).

Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJH
Leon J. Harper
June 11, 2006


MOHAMMAD ALI
PRIMARY EXAMINER